IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1673 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

DHANJI PREMI KANBI THRO'P.O.A.NARANBHAI RAMJIBHAI GOSALIA

Appearance:

1. Civil Revision Application No. 1673 of 1997

MR MD PANDYA for Petitioner No. 1

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/03/2004

ORAL JUDGEMENT

The petitioner is the original defendant against whom the respondent herein has filed the suit being Civil

Suit No.177/1997 for getting agricultural connection, and prayed that the said application may not be treated in general category and it should be considered on priority basis. In the said suit, an interim application was preferred at Exh.5. The trial Court granted said application and defendant-Board was directed to give electric connection to the plaintiff in the category of D.P.Transformer-A Category on priority basis. Appeal preferred by the defendant Board before the appellate Court was also rejected, against which this revision is preferred.

2) While admitting this revision, this court has granted status-quo. However, this Court has clarified that during the pendency of the petition, application of the petitioner may be considered if it comes in ordinary course for such consideration. Mr.M.S.Shah has pointed out that, as per his information, the dispute is still alive and the matter has not become infructuous.

3) At this stage, Mr.Pandya requested that considering the nature of the dispute involved in the matter, the suit is required to be decided at the earliest. Considering the fact that the suit is of the year 1997, the trial Judge is directed to expedite the Civil Suit No.177/1997 and may dispose of the said suit by 31st December, 2004.

4) It is required to be noted that this revision application is filed against an interlocutory order and, therefore, the same is not maintainable in view of the amendment in Section 115 of C.P.C. In that view of the matter, without considering the merits this revision is disposed of, as not maintainable. It will be open for the petitioner-Board to challenge the impugned order by filing a petitioner under Article 227 of the Constitution of India. Since the interim relief is already in force till today, the same is ordered to be continued till 5th April, 2004.

5) Accordingly, this Civil Revision Application is disposed of, as not maintainable. Rule discharged. No order as to costs.

(P.B.Majmudar,J.)

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